

WILLIAM LYON.

[To accompany Bill H. R. No. 86.]

MARCH 23, 1860.

Mr. WALTON, from the Committee on Claims, made the following

REPORT.

*The Committee on Claims, to whom was referred House Bill for the relief of William Lyon, late Pension agent at Knoxville, Tennessee, have considered the case, and report :*

That William Lyon was agent for paying pensions at Knoxville, Tennessee, prior to the act of February 20, 1847, and that in the settlement of his account it appeared that he had retained the sum of \$617 51, this being two per cent. commission on the money disbursed by him previous to that date. The government instituted a suit for this money, and at the October term, 1858, of the circuit court for the district of East Tennessee, judgment was rendered against Lyon for the penalty of his bond, (\$15,000,) "which may be discharged by the payment of said sum of \$617 51" with costs, taxed at \$37 35. The present claim is for the amount of the commission and the costs of the suit. According to the principle recognized by Congress heretofore, and adopted by this committee in the case of Joel M. Smith, Mr. Lyon is entitled to the commission of two per cent., but is *not* entitled to costs. In withholding the money, instead of applying to Congress for relief, he mistook his remedy and subjected the government to the necessity of bringing the suit, and, therefore, should pay the costs. Your committee accordingly report the bill with amendment, and recommend its passage.

